



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: MARCH 11, 2025**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: JOSE JAUREGUI, ET AL**

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**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0646-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      23

**NOTICES MAILED**                      402

**PROTESTS**                      2

**APPROVALS**                      0

**\*\* CONDITIONS \*\***

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**24-0646-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a zero-foot rear yard setback where three feet is the minimum required.
2. All development shall be in conformance with the site plan and floor plan, date stamped [02/25/25], except as amended by conditions herein.
3. Interior access must be maintained throughout the entire primary residence, including the addition.
4. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Variance request to allow two existing accessory structures [storage sheds] within a required rear yard setback area at 1020 East Oakey Boulevard.

**ISSUES**

- A Residential Accessory Structure use is permitted in the R-1 (Single Family Residential) zoning district with the approval of a Conditional Use Permit.
- A Variance is requested to allow a zero-foot rear yard setback where three feet is the minimum required. Staff does not support the request.
- This Variance request is the result of an open Code Enforcement Case #CE24-04954.
- A Condition of Approval has been added requiring the primary home and the addition to adhere to the submitted floor plan, date stamped 02/25/25.

**ANALYSIS**

The subject 0.14-acre site is zoned R-1 (Single Family Residential) and subject to Title 19 development standards. It is developed with an existing single-family dwelling. The applicant requests a Variance to allow two existing accessory structure [storage sheds] within a required rear yard setback area. The subject structures were constructed without building permits. The following table depicts the applicable development and design standards concerning an accessory structure in the R-1 Zoning District:

<b><i>Requirement</i></b>	<b><i>Request</i></b>	<b><i>Applicable code section</i></b>	<b><i>Staff Recommendation</i></b>
Three-foot Rear Yard Accessory Structure Setback	To allow a zero-foot rear yard setback	19.06.070	Denial

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No evidence of a unique or extraordinary circumstance related to the physical characteristics of the subject property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

**FINDINGS (24-0646-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing an accessory structure that fails to comply with Title 19 development standards. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
07/01/24	Code Enforcement Case #CE24-04954 was opened for house additions and a casita constructed without permits. The case remains open.
02/11/25	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW AN EXISTING ACCESSORY STRUCTURE [STORAGE AND REPAIR SHOP BUILDING] THAT DOES NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SETBACKS, SIZE AND COVERAGE on 0.14 acres at 1020 East Oakley Boulevard (APN 162-03-716-006), R-1 (Single Family Residential) Zone, Ward 3 (Diaz).

<b><i>Most Recent Change of Ownership</i></b>	
03/16/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related building permits or licenses of note.	

<b><i>Pre-Application Meeting</i></b>	
12/04/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance.

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
01/08/25	Staff conducted a routine field check and found an existing single-family dwelling. No issues were noted.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.14

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown South	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District (200 Feet)	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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## DEVELOPMENT STANDARDS

***Pursuant to Title 19.06, the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	6,098 SF	Y*
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	15 Feet	Y
Min. Accessory Structure Setbacks			
• Side	3 Feet	3 Feet	Y
• Rear	3 Feet	0 Feet	N**
Min. Distance Between Buildings	6 Feet	7 Feet	Y
Max. Lot Coverage	50%	37%	Y
Accessory Structure Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit (89 SF X 2)	13% (178 SF)	Y
	The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50% of the rear yard area (900 SF)	49% (446 SF)	Y

***Pursuant to Title 19.06, the following standards apply (continued):***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Max. Building Height	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less	8 Feet	Y

*\*The subject site has a legal nonconforming lot size.*

*\*\*A Variance is requested to allow a reduced rear yard setback.*